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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 DAIMLER AG,

10 Plaintiff,

11 v.

12 AMAZON.COM, INC.,

13 Defendant.
14

No. C16-518 RSM

**STIPULATED MOTION AND ORDER
AMENDING SCHEDULING ORDER**

15 Pursuant to LCR 10(g), Plaintiff Daimler AG (“Daimler”) and Defendant Amazon.com,
16 Inc. (“Amazon”) respectfully stipulate and jointly move the Court to amend the Order Setting Trial
17 Date and Related Deadlines (Dkt. No. 32) (“Scheduling Order”) by striking the *Markman*-related
18 deadlines in this case, as noted below.

19 The parties respectfully submit that good cause exists for the proposed amendments to the
20 schedule. In this case, Daimler asserts trademark-related and design-patent claims, but does not
21 assert any utility patent claims. This District’s Local Patent Rules accordingly do not apply as a
22 general matter. *See* Local Patent Rule 101 (patent rules apply to civil actions which involve utility
23 patents). The parties, after conferring, agree that given the scope of the case and fact that with
24 respect to the patent claims only design patents are at issue, formal infringement and invalidity
25 contentions and accompanying *Markman* deadlines are unnecessary.
26

To reduce the burden on the Court and the parties, Daimler and Amazon accordingly request that the Court amend the case schedule by striking the deadlines for infringement and invalidity contentions, *Markman*-expert reports, claim construction exchanges and briefing, and the *Markman* hearing. The parties agree that they will set out their respective positions on infringement and invalidity in discovery responses in accordance with the case schedule. No other dates in the Scheduling Order would be modified and the parties' request would not result in an extension of the overall case schedule or trial date.

A proposed amended case schedule is set forth below.

JURY TRIAL DATE	January 15, 2019
Reports from expert witnesses under FRCP 26(a)(2) due	7/20/2018
Rebuttal expert reports due	8/20/2018
All motions related to discovery must be noted on the motion calendar no later than the Friday before discovery closes pursuant to CR7(d)(d)(3) or CR37(a)(2)(B)	8/17/2018
Discovery completed by	9/17/2018
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see CR7(d))	10/15/2018
Settlement conference per CR 39.1(c)(2) held no later than	12/10/2018
Mediation per CR 39.1(c)(3) held no later than	12/18/2018
All motions in limine must be filed by and noted on the motion calendar for the third Friday thereafter pursuant to CR7(d)	12/18/2018
Agreed pretrial order due	1/3/2019
Trial briefs, proposed voir dire questions and jury instructions	1/10/2019
Pretrial conference to be scheduled by the Court.	

1 DATED: January 18, 2018

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1 **ORDER**

2 For good cause shown, IT IS SO ORDERED this 18th day of January 2018.

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4 RICARDO S. MARTINEZ
5 CHIEF UNITED STATES DISTRICT JUDGE

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9 Presented by:

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